

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

STONE HILTON PLLC, a Texas professional limited liability company; JUDD STONE; and CHRIS HILTON,

Plaintiffs,

v.

BRENT WEBSTER, in his individual capacity; RALPH MOLINA, in his individual capacity; and JOSH RENO, in his individual capacity,

Defendants.

Civil Action No. 1:25-cv-00983

PLAINTIFFS' RESPONSE TO DEFENDANTS'
NOTICE OF FAILURE TO FILE REPOSNSE TO MTD

COMES NOW, J. Stephen Toland, Attorney for Plaintiffs in the above-styled and numbered cause, and files this *Plaintiffs' Response to Defendants' Notice of Failure to File Response to MTD*, and in support would show the following:

PROCEDURAL BACKGROUND AND APPLICABLE LOCAL RULES

Plaintiffs filed their Complaint in the above-referenced cause on June 25, 2025 (Doc. 1). Defendants entered attorney appearances on July 3, 2025, and filed a Motion to Dismiss on July 24, 2025 (Doc. 6). Defendants subsequently filed Notice of Failure to File Response to MTD on August 8, 2025, *incorrectly* asserting that Plaintiffs failed to time file a response (Doc. 8). Applicable Federal Rules of Civil Procedure hold, and Local Rule CV-15 states that "notwithstanding the time limits provided in

Local Rule CV-7, a party may respond to a first motion under Federal Rule of Civil Procedure 12(b) (Motion to Dismiss) by filing an amended pleading as a matter of course not later than 21 days after the filing of the motion. *See Fed. R. Civ. P. 15 and Local Rule CV-15.*

CONCLUSION

The initial deadline for Plaintiffs to amend their pleadings is August 14, 2025, not August 7, 2025, as previously asserted by Defendants. Defendants **incorrectly** asserted in their *Notice of Failure to File Response to Defendants' Motion to Dismiss* (Doc. 8) that Plaintiffs have failed to file a timely response. Defendants' assertion is false.

Respectfully submitted,

/s/ J. Stephen Toland
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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of August 2025, a true and correct copy of the foregoing instrument was electronically filed with the Clerk of the Court, using the CM/ECF System which will transmit notification of such filing to all counsel of record.

/s/ J. Stephen Toland
 John Stephen Toland